

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 05 APR 2006

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Applicant's or agent's file reference DDU/04.02	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/PL2004/000015	International filing date (day/month/year) 29.02.2004	Priority date (day/month/year) 17.12.2003	
International Patent Classification (IPC) or national classification and IPC INV. H04Q7/22			
Applicant KULAKOWSKI, Henryk			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  15.07.2005		Date of completion of this report  04.04.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer  Maciejewski, R  Telephone No. +49 89 2399-6970	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/PL2004/000015

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements**\* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-6 as amended (together with any statement) under Art. 19 PCT

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☒ the claims, Nos. 1
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**I. Basis of the report**

The amendments in claim 1 defining "use of an SS7 signalling channel" or "the SS7 signalling for text interface" (see lines 5 and 18) go beyond the disclosure in the international application as filed, contrary to Article 34(2)(b) and 19(2) PCT (see also the PCT-Guidelines, chapter VI-20.9 to 20.19).

Consequently, the international preliminary examination report (Article 35(1) PCT) has been established as if the above amendment had not been made according to Rule 70.2(c) PCT.

**V. Reasoned Statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. The following documents cited in the International Search Report have been considered in this report:

D1: US 2003/1 44016 AI (FINE ERAN ET AL) 31 July 2003 (2003-07-31)

D2: US-A-5 943 611 (MOELNE ANDERS LENNART) 24 August 1999  
(1999-08-24)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 to 6 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document), according to the features of claim 1, a method of effecting a connection from user's phone terminal to a service in a telecommunication network (abstract), wherein the service can be accessed identically and simultaneously with the use of two complementary interfaces: a voice, using DTMF (paragraph [0077]) and a text interface using USSD commands (paragraph [0056]), where the service is called by a connection initiated by the user to the service access number in the telecommunication network (paragraph [0050], in particular lines 3 to 6), which in the

case of a voice interface is treated as a phone number (paragraph [0050] - lines 6-7 and paragraphs [0063]-[0064]), while in the case of the text interface is treated as a USSD command (paragraphs [0073]-[0074]), consisting of the same digit sequences, and differing only in the characters "\*" and "#" (paragraphs [0073]-[0076]), included therein, and the decision on how this connection is to be handled is made by the service, basing on information related to the incoming connection (paragraph [0038]), received from the telecommunication network (from resolving server 24, paragraph [0053]).

Hence, document D1 already discloses all the features of claim 1, which therefore lacks novelty, contrary to Article 33(2) PCT.

Furthermore, even if it were argued that the subject-matter of claim 1 is novel, based on minor differences between the claimed and the known methods, it would not involve an inventive step, Article 33(3) PCT, especially as D1 addresses the same problem (application: see page 3, lines 6 to 10; D1: paragraph [0013]) and discloses the same type of solution as the present application.

Moreover, the above objections regarding novelty and inventive step could also have been raised in view of document D2 (see in particular column 6, lines 4 to 31 and column 9, lines 43 to 62).

Hence, in the light of the disclosure of D2, the subject-matter of claim 1 is neither new (Article 33(2) PCT) nor involves an inventive step (Article 33(3) PCT) and therefore claim 1 does not meet the requirements of Article 33(1) PCT.

3. The additional features set out in the dependent claims 2 to 6 do not seem to add anything which is both new and of inventive significance to claim 1, to which they are appended, taking into account the disclosure of the above cited documents D1 and D2, as well as the general knowledge in the art.  
Therefore, the features of claim 2 are already known from D1 (see e.g. paragraph [0063] or [0073]).  
An SMS Interface, as in claim 3, is disclosed both in D1 (cf. paragraph 74) and in D2 (see column 9, lines 43 to 48).

The provision of connection to another user by accessing a server, as in claim 4, is directly derivable from D1 (see paragraph [0074]) and is disclosed in D2 (cf. column 1, lines 37 to 47).

The features of claim 5, as far as they can be construed, are also disclosed both in D1 (see paragraph [0061] in combination with paragraph [0073] or [0076]) and in D2 (cf. column 9, lines 43 to 48).

Finally, the features of claim 6 are disclosed in D1 (cf. paragraph [0036]) and D2.

Therefore, the dependent claims, either alone or in combination, cannot be considered to offer a basis for an inventive main claim.

#### **VII. Certain defects in the international application**

Independent claim 1 is not in the proper two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant background art disclosed in the document D1 and D2 is not mentioned in the description, nor are these documents identified therein.

#### **VIII. Certain observations on the international application**

1. The present application does not meet the requirements of Article 5 PCT because terms "identically" and "simultaneously" defining the service access are not clear and complete for the invention to be carried out by a person skilled in the art.
2. In addition, the applicant's attention is drawn to the fact that the use of expressions such as "preferably", as in claims 1 and 2, has no limiting effect on the scope of a claim, and therefore, the features to which such expressions refer are regarded as entirely optional (see PCT-Guidelines, Part II, 5.40).